

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2007-0368, Appeal of ASCA, Inc., the court on January 22, 2008, issued the following order:

The employer, ASCA, Inc. (ASCA), appeals an order of the Department of Employment Security Appellate Board (board) finding that the claimant had not received adequate notice of the issues to be determined at an appeal tribunal hearing. Based upon its finding of inadequate notice, the board remanded the case to an appeal tribunal chairperson for a *de novo* hearing. We dismiss the appeal.

RSA 282-A:67, II (1999) provides that an “interested party who has exhausted all administrative remedies within the department and who is aggrieved by a final decision of the appeal tribunal as reversed, modified or affirmed by the appellate board after a motion for reconsideration is granted or denied or after the decision on rehearing, may appeal that decision to the supreme court.” RSA 262-A:68 (1999) further provides: “The judicial review provided by RSA 282-A:67 shall be exclusive of all other methods of judicial review of unemployment compensation decisions, including extraordinary writs, including the writ of certiorari.”

In this case, ASCA seeks judicial review of an appellate board decision. Because the appeal process provided by statute is limited and ASCA has not exhausted all administrative remedies and does not seek review of a final order of the appeal tribunal, cf. Germain v. Germain, 137 N.H. 82, 84 (1993) (generally when trial court issues order that does not conclude proceedings before it, appeal from such order is interlocutory), we dismiss its appeal.

Appeal dismissed.

DALIANIS, DUGGAN and GALWAY, JJ., concurred.

**Eileen Fox,
Clerk**